

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services - Endowments Department - Sri Swami Hathiramji Mutt, Tirupati, Chittoor District - Certain irregularities in declaring the sitting tenants as land less poor - Sri P.Surya Kumar, the then Assistant Commissioner, Endowments Department, Chittoor District (Retired) - Disciplinary proceedings initiated - Enquiry Conducted - Imposition of punishment of 25% cut in pension permanently - W.P.No.14518 of 2018 filed challenging punishment orders - Allowed - Hon'ble High Court orders - Implemented - Orders - Issued.

REVENUE (VIGILANCE.IV.1) DEPARTMENT

G.O.Rt.No.230

Dated:07-02-2019

Read the following :

- 1) From the Commissioner of Endowments Department, A.P., Hyd., Memo.dated:30.06.2007.
- 2) G.O.RT.No.1372 Revenue (Vig.IV) Department, dated 18.9.2012.
- 3) From the Commissioner of Inquiries D.O.Letter No.298/COI.KSR, dated 03.12.2012.
- 4) Govt. Memo.No.20553/Vig.IV.1/2006-26, dated 28.02.2013.
- 5) Representation of Sri P.Surya Kumar, Assistant Commissioner of Endowments (Retired), dated 12.03.2013.
- 6) Govt. Memo.No.20553/Vig.IV.1/2006, dated 08.10.2013.
- 7) Representation of Sri P.Surya Kumar, Assistant Commissioner of Endowments (Retired), dated 22.11.2013.
- 8) Govt.Letter No.20553/Vig.IV.1/2006, dated 08.05.2014.
- 9) From the Secretary I/c, Andhra Pradesh Public Service Commission, Letter No.801/RT/1/2014, dated 11.07.2014.
- 10) G.O.Rt.No.1140 Revenue (Vig.IV-1) department, dated 17.12.2014.
- 11) Orders of Hon'ble APAT in OA No.5897/2015, dt.06-12-2017 filed by Sri P.Surya Kumar, Assistant Commissioner of Endowments (Retired) Endts.Dept.
- 12) From G.P. for Services (AP), APHC Lr.WP.No.14518/18/Krl/G.P.for Ser.A.P./HC, Dated 25.04.2018.
- 13) Govt.Memo.No.19021/26/2018-VIG IV-REV, dated 05.07.2018 of Revenue (Vig.IV.1) Dept.,
- 14) From Sri P.Surya Kumar, AC (Retired), Endowments Department representation along with a copy of Hon'ble High Court Orders dated 05.09.2018 in W.P.No.14518/2018 filed by Sri P.Surya Kumar, AC (Retired), Endowments Department.
- 15) From GP for Services (AP), Lr.WP.No.14518/2018/KRL/G.P.for Ser.AP/HC, Dated 03.12.2018.

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ORDER :

Whereas it was brought to the notice of the Government that Sri P.Surya Kumar, Retired Assistant Commissioner of Endowments Department, while working as Administrative Officer of Sri Swami Hathiramji Mutt, TPT, Chittoor District has committed certain irregularities by him in declaring Sri K. Subrahmanyam Achari, S/o. Eswarachari as land less poor as cultivating tenant of the lands measuring Ac.1.10 cents of dry and Ac.1.74 cents of wet land covered by Sy.No.244/3 and 242/A, respectively, situated at Muthyalareddypalle Village of Tirupati Town, pertaining to Sri Swamy Hathiramji Mutt., in Prog.No.B1/5207/2003 dated 26-05-2004. The Commissioner of Endowments was requested to initiate disciplinary action against the Assistant Commissioner, Endowments Department, Tirupati.

2. Whereas, in the reference 2nd read above, the Commissioner of Endowments has framed the following Articles of Charge against Sri P.Surya Kumar, Assistant Commissioner (Retired), Endowments, Chittoor District with a direction to submit his explanation within a fortnight from the date of receipt of the said officer.

- a) That he has committed grave irregularities in declaring Sri Subramanya Achari as landless poor in respect of lands measuring Ac.1.10 cents wet land covered by Sy.No.244/3 and extent Ac.1.74 Cents dry land covered by Sy.No.242/A which is urban property of Sri Swamy Hathiramji Mutt, Tirupathi.
- b) That he has failed to conclude the enquiry giving proper finding when the lands are located in prime area and lost its agricultural character being very near to Municipality of Tirupati.

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c) That he has failed to take the statement on record given by Sri N.Venkatadri, tenant of land Ac.12.36 cents covered by Sy.No.244 of M.R.Palli, Tirupati town, where in he has stated that he is under possession of Ac.12.38 cents.

d) That he has not conducted enquiry with the Administrative Officer of Sri Swamy Hathiramji Mutt, Tirupati. But he entertained one Sri Kandi Sreenivasulu, Junior Assistant of Sri Swamy Hathiramji Mutt, Tirupati and recorded statement, since no body is entitled to give deposition or any statement on behalf of the Administrative Officer of Sri Swamy Hathiramji Mutt, Tirupati.

e) That he has failed to examine atleast the statement given by Sri Kandi Sreenivasulu, Junior Assistant of Sri Swamy Hathiramji Mutt, Tirupati who has stated in his statement that the tenant is under possession of Mutt land measuring Ac.8.06 cents only.

f) That he has hastily concluded and decided the matter in anticipation of the following information though the information was called for from the Administration Officer, Sri Swamy Hathiramji Mutt, Tirupati in his notice in Rc.No.B1/3711/03, dated:16.02.2004 to finalize the matter.

1. Extent of land given on lease to the applicant.
2. Extent of land under possession and enjoyment of the applicant on the date of filing application U/s 82.
3. Whether the so called cultivating tenant has paid land makthas to the institution promptly without falling into arrears.
4. Whether the lease holds rights of the land was subsisting at the time of filing application by Sri N.Venkatadri.
5. Whether the applicant has been under possession and enjoyment of the land in question for more than six years continuously as on the date of filing application.
6. If so, the copies of lease approval orders from the concerned authority may be filed.
7. Copies of lease deeds.
8. Date of receipt of the Notice issued under Form-I under Rule- 5(1) by the applicant.

g) that he has utterly failed to consider the statement given by Sri P.Muni Reddy on 05.03.2004 wherein he deposed that he has been getting an amount of Rs.15,000/- (Rupees fifteen thousand only) towards annual income through the land, which is beyond the limit prescribed for landless poor.

3. The charged officer has submitted his written statement of defense, duly denying the charges and after examining the same, Government have entrusted the case to Commissioner of Inquiries for conducting regular enquiry in the reference 2nd read above.

4. In the reference 3rd read above, the Commissioner of Inquiries has submitted inquiry report. The Inquiry Authority, in his findings, has stated that Charges-I,II,III V&VII are held proved and Charge-IV &VI are held not proved against the charged officer. In the reference 4th read above, a copy of the enquiry report was communicated to the Charged Officer with a direction to submit his explanation on the findings of the Inquiring Authority. The charged officer has submitted his further explanation and requested to drop further action in the matter in reference 5th read above.

5. Government, after careful examination of the explanation submitted by the Charged Officer, decided to impose a penalty of 25% cut in pension permanently against Sri P.Surya Kumar, the then Assistant Commissioner (Retired) and accordingly, issued a show cause notice to him vide reference 6th read above under Rule 9(2) of Andhra Pradesh Revised Pension Rules, 1980 for his further explanation if any. In the reference 7th read above, the charged officer has submitted his explanation and requested to drop the proposed punishment of 25% cut in pension permanently against the charged officer.

6. Government, after careful examination of the explanation of charged officer along with enquiry report, imposed a penalty of 25% cut in pension permanently against Sri P.Surya Kumar, the then Assistant Commissioner (Retired), in the reference 10th read above.

7. Aggrieved by the above orders, Sri P. Surya Kumar, the then Assistant Commissioner (Now Retired) has filed O.A.No.5897/2015 and the Hon'ble Andhra Pradesh Administrative Tribunal in its orders dt.06.12.2017 has dismissed the O.A. and not granted any relief to the delinquent officer.

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8. Sri P. Surya Kumar, the then Assistant Commissioner (Now Retired) has filed W.P.No.14518 of 2018 against the orders of Hon'ble Andhra Pradesh Administrative Tribunal in the Hon'ble High Court, and the Hon'ble High Court has passed the following orders:

" Having considered the facts in their entirety, we note that the most crucial aspect is that the orders passed by the petitioner were not even wrong, as the Government itself found no reason to interfere with his findings therein. G.Keshavulu, the appellate authority, who confirmed his findings, has also been let off by virtue of the Tribunal's order in his favour, which was duly accepted and acted upon. In such circumstances, it would be patently unjust to pick upon the petitioner alone and penalize him for an alleged irregularity which is not even demonstrated. Be it viewed from any angle, the action of the Government in imposing 25% cut in the petitioner's pension with permanent effect is unsustainable.

The writ petition is accordingly allowed setting aside the order dated 06.12.2017 passed by the Tribunal in O.A.No.5897 of 2015 and G.O.Rt.No.1140, Revenue (Vig.IV-I) Department, dated 17.12.2014. The respondents shall release the full pension, including arrears, due to the petitioner expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order"

9. Government, after examining the above orders of the Hon'ble High Court, have decided to implement the orders of Hon'ble High Court in W.P.No.14518 of 2018. Accordingly, Government hereby order to implement the orders passed by the Hon'ble High Court in W.P.No.14518 of 2018 filed by Sri P.Surya Kumar, the then Assistant Commissioner (Retired) Endowments Department, Tirupathi, Chittoor District.

10. The Commissioner of Endowments shall take further necessary action in the matter accordingly.

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT (LANDS & ENDTS)

To

Sri P.Surya Kumar, the then Assistant Commissioner (Retired) Endowments Department, Tirupathi, Chittoor District through the Commissioner of Endowments, Andhra Pradesh, Vijayawada.

The Commissioner of Endowments Department, Andhra Pradesh, Vijayawada.

Copy to:

The Government Pleader for Services, Revenue, Andhra Pradesh High Court at Amaravati.

The Director, Treasuries & Accounts, Andhra Pradesh, Vijayawada.

The Regional Joint Commissioner, Multi Zone-II, Tirupathi, Endowments Department, Chittoor District.

The District Treasury Officer, Chittoor District.

Sc/Sf.

//FORWARDED BY ORDER//

SECTION OFFICER